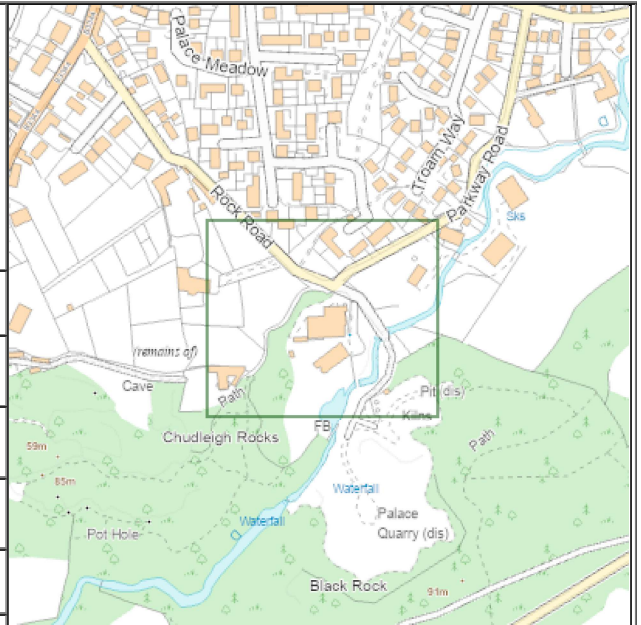


Planning Committee Report

Chair: Cllr Suzanne Sanders

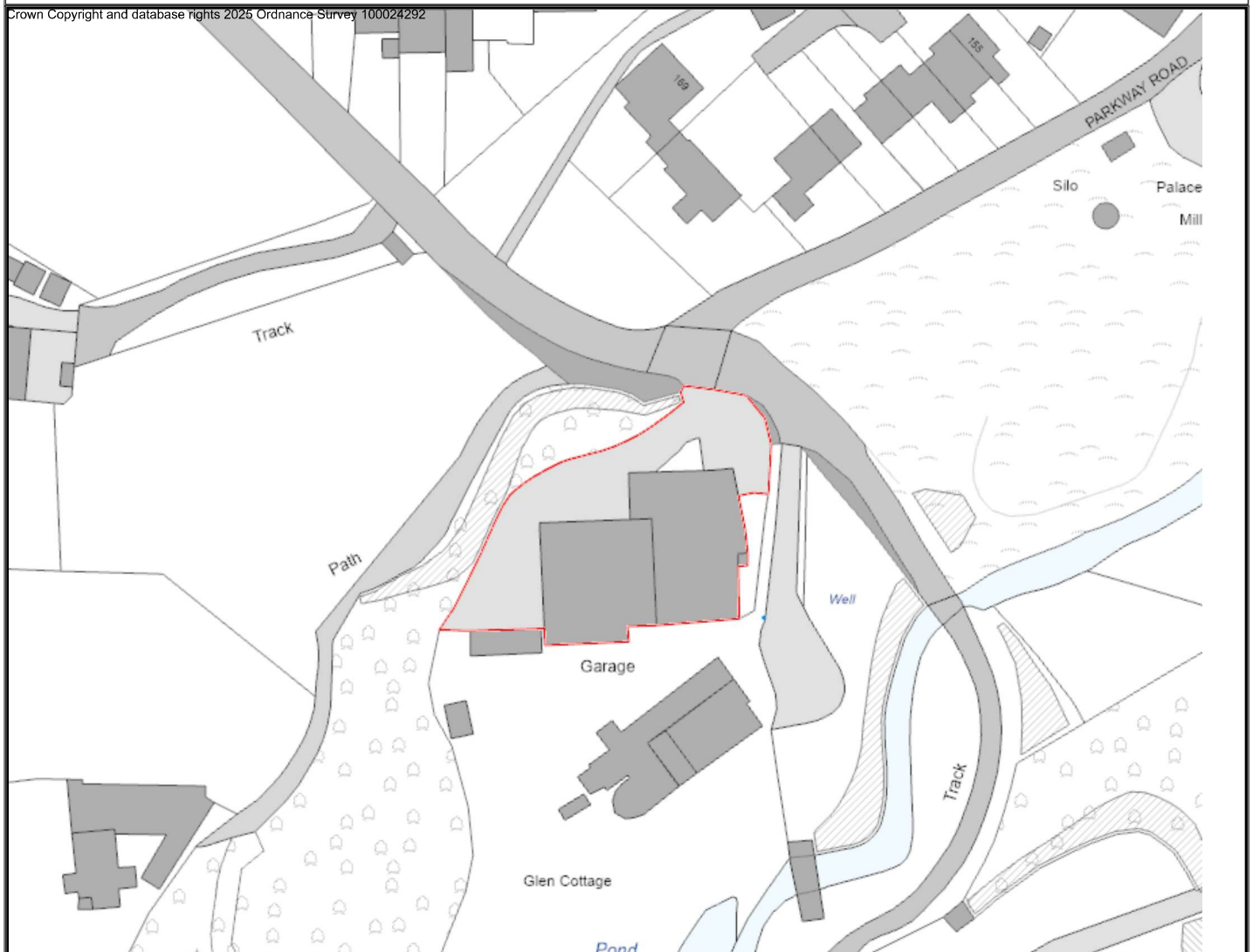
| | |
|---------------------|---|
| Date | 23 September 2025 |
| Case Officer | Tom Jones |
| Location | Commercial Premises North Of Glen Cottage Rock Road Chudleigh Devon TQ13 0JJ |
| Proposal | Extension to existing commercial vehicle workshop |
| Applicant | Mr E Shears |
| Ward | Chudleigh |
| Member(s) | Cllr Suzanne Sanders, Cllr Richard Keeling |
| Reference | 25/00035/FUL |



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

The applicant is a close relative of a member of staff.

2. RECOMMENDATION

Approval, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

| Date Received | Drawing/Reference Number | Description |
|---------------|--------------------------|----------------------------|
| 09 Jan 2025 | JRPA-33 1001 | Location Plan |
| 09 Jan 2025 | JRPA-33 1004 | Proposed Ground Floor Plan |
| 09 Apr 2025 | JRPA-33 1006 REV A | Proposed Elevations |
| 09 Apr 2025 | JRPA-33 1007 | Proposed Roof Plan |
| 03 Jul 2025 | JRPA-33 1002 REV B | Block Plan |

REASON: In order to ensure compliance with the approved drawings.

2. Construction works shall commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset each day during the active season of bats (i.e., from April to October inclusive). No lighting shall be left on over-night during the construction phase.

REASON: For the benefit of legally protected light-averse bats.

3. Notwithstanding Section 55(2) of the Town and Country Planning Act 1990 and/or the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no external lighting shall be installed on, or in association with, the new building, except for low-lumen, LED, PIR motion-activated lights on a short timer (maximum 1 minute), sensitive to large objects only (to avoid triggering by bats or other wildlife). Any such lights shall be mounted in association with doors only, at a height no greater than 1.9m from ground level, directed and shielded downward and away from hedges, trees and bat roosts. The lights shall produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (2,700K or less) and a wavelength of 550nm or more.

REASON: For the benefit of legally protected light-averse bats.

4. Between the hours of 30 minutes after sunrise and at least 30 minutes before sunset each day during the active season of bats (i.e., from April to October inclusive) the west-facing roller door shall be kept shut except when vehicles are exiting/entering via that door. The roller door shall then be closed immediately after the vehicle has exited/entered.

REASON: To limit light spill which might impact light-averse bats.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Class H of Part 7 or Class A of Part 2 of Schedule 2 shall be constructed (other than hereby permitted) unless the prior written consent of the Local Planning Authority has been obtained.

REASON: To ensure that any future alterations or improvements to the building are acceptable in terms of their ecological impact for the benefit of legally protected light-averse bats.

6. The approved surface water drainage system, which includes an attenuation tank designed to cater for the 1 in 100-year (+50% allowance for climate change) rainfall event and flows limited to a 1 l/s discharge rate into the existing soakaway using an appropriate flow control, shall be implemented in full prior to the occupation of the development and shall be thereafter maintained.

REASON: To ensure that adequate surface water drainage is available to serve the proposed development and will not cause an increase in flood risk either on the site, adjacent land or downstream.

3. DESCRIPTION

The site

- 3.1. The application site is an existing industrial building. The proposed development is for an extension to the existing building, by infilling an area between two parts of the building. The proposed development has commenced.
- 3.2. The site is located within the open countryside just beyond the edge of the settlement boundary. The site is also located within the Landscape Setting Area of Chudleigh identified in the Chudleigh Neighbourhood Plan.
- 3.3. The application site is located within the Landscape Connectivity Zone associated with the South Hams Special Area of Conservation for Greater Horseshoe Bats. The site also falls within a bat corridor, and sustenance zone associated with this designation.
- 3.4. The site falls within the Cirl Bunting 250m Zone, Great Crested Newt Consultation Zone and the Kate Brook Lime Kilns Unconfirmed Wildlife Site identified for its unimproved grassland and scrub on limestone with bat and bird interest. The Other Site of Wildlife Interest, Bishop's Palace Field, sits to the west of the application site.
- 3.5. The site falls within the Minerals Safeguarding Area for Aggregates.

Principle of the Development

- 3.6. The application proposal will provide 155sqm of additional general industrial floorspace, resulting in a total floorspace of 470sqm. The Local Plan seeks to allocate sufficient land for the development of 3 hectares or 12,000 sqm of business, industrial and warehousing sites per year. There has been an under

delivery of employment land/floorspace against the annual target. The delivery of employment development is considered a significant benefit weighing in favour of this development.

- 3.7. Policy S22 of the Local Plan seeks to strictly manage development in open countryside in order to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. Under S22(b) the types of permissible developments in the countryside includes industrial, business and warehousing schemes. Policy GP3 of the emerging Local Plan contains similar provisions. The proposed development would fall within one of these uses.
- 3.8. Policy EC3 of the Local Plan relates to rural employment and confirms that to support the rural economy, extensions or expansions of an existing business or employment site for business, general industrial and storage and distribution uses in the open countryside will be acceptable in principle. Policy EC1 of the emerging Local Plan contains similar provisions. The proposed development would reflect this.
- 3.9. As such, subject to meeting certain criteria, the principle of development is considered acceptable. Whilst noting that the principle of development is acceptable, this is subject to meeting criteria (f) – (i) as set out in Policy S22 and criteria (f)-(j) of Policy EC3. These criteria are considered in more detail below.

Impact on the Landscape and Historic Character

- 3.10. The support for employment schemes under Policy EC3 is subject to a range of criteria, including (g) and (i), which require proposals to respect the character and qualities of the landscape and setting of any affected settlement and conforms with policies affecting the site including heritage assets.
- 3.11. Policy EN2A Landscape Protection and Enhancement requires that development proposals should conserve and enhance the qualities, character and distinctiveness of the locality.
- 3.12. Policy CHNDP11 of the Chudleigh Neighbourhood Plan states that areas designated as landscape setting contribute significantly to Chudleigh's valued historic landscape setting and sense of identity. It follows that to conserve the visual integrity of these areas and the contribution they make to the setting of Chudleigh, any proposed developments within them will only be permitted if they do not detract from the quality of the areas and the landscape setting of Chudleigh.
- 3.13. Due to the location of the extension within the confines of the existing layout of the building and its siting within the application site, its impact on the wider locality is limited. The design of the proposed extension is generally in keeping with the industrial character and appearance of the existing building and as such it is not expected to appear prominent or out of place in this location. The proposed development is considered to conserve the character of the locality.
- 3.14. Policy EN5 Heritage Assets states that to protect and enhance the area's heritage, consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset.

- 3.15. The proposal has the potential to impact upon the setting and archaeology of registered Ancient Monument, Bishop's Palace and the Grade II* listed 'Remains of Bishop's Palace at Palace Farmhouse'. In making a decision on this application the Council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses and have given it considerable importance and weight in the planning balance.
- 3.16. The proposed extension is limited in its scale, and due to its location within the confines of the existing building's layout, it is no closer to these heritage assets or more prominent within the context of the wider setting of these heritage assets. There is also sufficient separation distance between the site and these assets. The proposal is not considered to have any impact on the wider setting of the Ancient Monument or the Grade II* Listed Building.
- 3.17. The proposed development is considered acceptable in accordance with Local Plan Policies S22, EN2A and EN5 of the Local Plan, Proposed Submission Local Plan Policies GP3, DW1, EN4 and EN17 and Chudleigh Neighbourhood Plan Policy CHNDP11.

Impact on Biodiversity

- 3.18. The support for employment schemes under Policy EC3 is subject to a range of criteria, including (i) and (j), which requires that proposals conform with specific policies affecting the site including protected wildlife and do not affect the integrity of the South Hams Special Area of Conservation (SAC). Proposed Submission Local Plan Policy EC1 includes similar provisions with business development being supported in locations outside of defined settlement limits where it can be demonstrated that proposals will not affect the integrity of European Wildlife Sites.
- 3.19. Policy EN8 requires that decisions on developments are taken in the light of proportionate biodiversity information and assessments about a site. This application submission does not include any ecological survey work, however it is noted that the South Hams SAC guidance states that in certain circumstances mitigation may be put forward without the need for a full survey, where it can be clearly demonstrated that the impacts of a proposed development are proven to be minor and can be fully mitigated without an impact upon the existing (and likely) GHB habitat. This is considered to the situation in this case.
- 3.20. Policy EN9 requires that, to protect and enhance existing areas of biodiversity and geodiversity, development proposals take account of the hierarchy of sites, including internationally important sites such as Special Areas of Conservation.
- 3.21. Policy EN10 notes that development that is likely to have a significant effect on the integrity of the European Wildlife Site will be subject to assessment under the Habitats Regulations and will not be permitted unless adverse effects can be fully mitigated and/or compensated. An Appropriate Assessment has been completed for this development proposal.
- 3.22. Policy EN11 notes that, to protect and expand the presence of legally protected and S41 priority species, development which would be likely to directly or indirectly harm

such a species will not be permitted except in specific circumstances and that where appropriate proposals should include opportunities for species within the built environment, such as bird, bat and invertebrate boxes.

- 3.23. Policy CHNDP9 of the Neighbourhood Plan requires that developments must ensure that they do not adversely affect the rich biodiversity of the Parish. Policy CHNDP10 of the Neighbourhood Plan requires that any development which might have a negative impact on the South Hams SAC is subject of an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.
- 3.24. An Appropriate Assessment (AA) has been completed for this development. The impacts to the SAC related to the risk of disturbance from new illumination causing bats to change their use of an area. Subject to the inclusion of four conditions relating to lighting, the AA concluded that there would not be an adverse effect on the integrity of the South Hams SAC, either 'alone' or 'in-combination'. Natural England has confirmed they agree with the findings of the AA.
- 3.25. The AA refers to a condition to restrict the opening of the roller shutter door on the western elevation outside of daytime hours whilst during active bat season. This has been considered in terms of whether it is reasonable. In this case, there is a second unrestricted roller shutter door on the north elevation which can be utilised for ventilation when this western door is closed. Further it is noted that the times in which this condition will be in force are limited with active season being within the summer months. As such the condition is not considered to hinder the future use of the building and is reasonable.
- 3.26. A further condition requires no additional openings or translucent roof materials to be installed. To secure this, permitted development rights set out in Class H of Part 7 of the General Permitted Development Order have been removed. Other conditions have been recommended to reflect those set out in the AA.
- 3.27. Due to the existing nature of the ground prior to the commencement of the proposed extension, the proposed development is not considered to result in harm to any other protected species or their habitats.
- 3.28. Subject to conditions to secure the mitigation outlined in the AA, the proposed development is considered acceptable in relation to Policies S1, S22, EN3 and EN8-12 of the Local Plan, Policies EC1 and EN10-12 of the Proposed Submission Local Plan 2020-2040 and Chudleigh Neighbourhood Plan Policies CHNDP9 and CHNDP10.

Impact on Overall Travel Patterns and Highway Safety

- 3.29. The site is accessed through an existing entrance to the north of the application site from Rock Road.
- 3.30. The support for employment schemes under Policy EC3 is subject to a range of criteria, including (f), which indicates that the scale of employment should be appropriate to the accessibility of the site by public transport, cycling and walking and the standard of highways, and would improve the balance of jobs to working age population within the immediate vicinity. Proposed Submission Local Plan Policy EC1 includes similar provisions with business development being supported

in locations outside of defined settlement limits where the scale of the development is appropriate to the accessibility of the site and the standard of highways and road safety is appropriate.

- 3.31. Policy S9 relates to sustainable transport and seeks to minimise the need to travel, and locate development, which is designed to promote public transport, cycling and walking as transport modes of choice, through means such as travel plans, infrastructure and parking provision for bicycles.
- 3.32. The proposed extension is to serve an existing business. Whilst there may be some additional vehicle trips as a result of an increase in floorspace, this is not considered to be significant or severe in terms of highways impact. It is also noted that this additional floorspace is intended to provide a facility that is otherwise accessed off-site, and as such, the proposed development may reduce vehicle trips associated with the site.
- 3.33. The general connectivity of the site to the road network for the nature of the additional traffic likely to be generated is, on balance, considered acceptable.
- 3.34. In terms of the balance of jobs to the working population, whilst no details of employment have been included within the submission it is reasonable to conclude that the development could increase employment opportunities in accordance with this part of Policy EC3 (f), if not only to serve the immediate area then to serve a wider catchment within reasonable travelling distance.
- 3.35. In terms of the accessibility of the site by a range of sustainable travel modes, there is a bus stop 570m from the site on the B3344 providing travel to Exeter and Chudleigh. Options to walk to work are limited due to the lack of footways, but access to the site by bicycle is an opportunity.
- 3.36. The proposed development expands an existing activity, such that the harm represented by the limited opportunity to significantly reduce travel by private car is of limited weight.
- 3.37. The Highway Authority makes no objection.
- 3.38. The proposed development is considered to be acceptable in accordance with Policies S1, S22, EC3 and S9 of the Local Plan and Proposed Submission Policies EC1 and CC4 of the emerging Local Plan 2020-2040.

Impact on Residential Amenity

- 3.39. The support for employment schemes beyond the settlement boundary under Proposed Submission Local Plan Policy EC1 is subject to a range of criteria, including (c), where there is no significant detrimental impact on local residential amenity.
- 3.40. The proposed development will be used in association with the existing use and business within the existing building. The proposed development is not considered to result in any greater impact on residential amenity.

- 3.41. The proposed development is considered acceptable in relation to residential amenity in accordance with Policy S1 of the Local Plan and Proposed Submission Local Plan Policies EC1 and H12 of the Local Plan 2020-2040.

Drainage

- 3.42. The support for employment schemes under Policy EC3 is subject to a range of criteria, including (i), which requires that proposals conform with specific policies affecting the site including flooding.
- 3.43. Surface water drainage is proposed to be discharged to a 7 cubic meter surface water tank with an associated controlled outfall to an existing soakaway provision on site.
- 3.44. The proposed attenuation tank has been designed to cater for the 1 in 100-year (+50% allowance for climate change) rainfall event and flows limited to a 1 l/s discharge rate into the existing soakaway using an appropriate flow control.
- 3.45. In line with the response from the Council's Drainage Engineer, as the area was previously hard surfacing, the provision of the above ground tank discharging at a controlled rate to the existing soakaway is an acceptable drainage proposal. This will also facilitate the reuse of water for washing down purposes.
- 3.46. The development can be considered acceptable in relation to surface water drainage and flood risk in accordance with Policy EN4 of the Local Plan and Proposed Submission Local Plan Policy EN6 of the Local Plan 2020-2040.

Minerals

- 3.47. The site lies within a Mineral Safeguarding Area defined to protect an important limestone deposit. Policy M2 of the Devon Minerals Plan states that mineral resources within the Mineral Safeguarding Areas will be protected from sterilisation or constraint by non-mineral development within or close to those areas. It follows, that development may be permitted if it is demonstrated that the mineral resource is not of current or potential economic or heritage value.
- 3.48. Devon County Council (DCC) as Minerals Authority has confirmed that as this proposal is for an extension to an existing business, it is not considered to add further constraint or sterilisation of the limestone resource. DCC has confirmed that it has no objection to the application in its role as Minerals Authority.
- 3.49. The proposed development is considered acceptable for the reason set out above insofar as it relates to minerals.

Recommendation

- 3.50. Recommend approval, subject to conditions

4. POLICY DOCUMENTS

4.1. Teignbridge Local Plan 2013-2033

4.2. The following policies are considered relevant to the proposed development:

Strategy Policies

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S3 Land for Business, General Industry and Storage and Distribution

S6 Resilience

S7 Carbon Emission Targets

S9 Sustainable Transport

S11 Pollution

S22 Countryside

Strategy Places

S20 Chudleigh

Prosperous Economy

EC1 Business Development

EC3 Rural Employment

Quality Environment

EN2A Landscape Protection and Enhancement

EN4 Flood Risk

EN5 Heritage Assets

EN6 Air Quality

EN7 Contaminated Land

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

Proposed Submission Teignbridge Local Plan

4.3. The examination hearings for the emerging Teignbridge Local Plan 2020-2040 (thereafter referred to as the eLP) have been concluded. The post examination letter from the Planning Inspectorate dated 18th December 2024 has stated that the plan is likely to be found sound subject to the modifications agreed at the hearings and in the letter. The Council is currently consulting on Main Modifications version of the plan. There are a number of policies within the emerging plan which did not attract modifications. As such, due to the advanced stage of the plan and in accordance with the requirements of paragraph 49 of the NPPF considerable weight is given to relevant emerging local plan policies unless otherwise stated.

4.4. The following emerging policies are considered relevant to the proposed development:

General Policies

GP1: Sustainable Development
GP2: Development in Teignbridge
GP3: Settlement Limits and the Countryside
GP5: Neighbourhood Plans

Climate Change

CC1: Resilience
CC2: Energy and Carbon Statements
CC3: Electric Vehicle Infrastructure
CC4: Sustainable Transport

Design and Wellbeing

DW1: Quality Development
DW2: Development Principles
DW3: Design Standards

Economy

EC1: Business Development

Homes

H12: Residential Amenity

Environment

EN4: Landscape Protection and Enhancement
EN6: Flood Risk and Water Quality
EN7: Air Quality
EN8: Light Pollution
EN9: Contaminated Land/ Land Instability
EN10: Biodiversity and Geodiversity
EN11: Important Habitats and Features
EN12: Legally Protected and Priority Species
EN13: European Wildlife Sites
EN15: South Hams SAC
EN16: Trees, Hedges and Woodlands
EN17: Heritage Assets

Devon Minerals Plan

M2: Mineral Safeguarding Areas

Chudleigh Neighbourhood Plan

CHNDP9: Biodiversity
CHNDP10: Protection of the South Hams SAC
CHNDP11: The Town's Landscape Setting

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

DCC Minerals

- 5.1. No objection. The site is within a Mineral Safeguarding Area for a limestone resource. Policy M2 of the Devon Minerals Plan seeks to safeguard such resources. The proposal is for an extension to an existing business and it is considered the proposal is unlikely to add further constraint or sterilisation of this limestone resource.

DCC Historic Environment

- 5.2. No comments to make but recommend Historic England are consulted in relation to the Bishop's Palace.

DCC Highways

- 5.3. No objection. Application provides a betterment in that it will reduce vehicle movements.

Historic England

- 5.4. Is not offering advice and suggests the Council uses it's own conservation advisers.

Environmental Health

- 5.5. No objections.

TDC Conservation Officer

- 5.6. No objection. The proposal has the potential to impact upon the setting and archaeology of registered Ancient Monument, Bishop's Palace and the Grade II* listed 'Remains of Bishop's Palace at Palace Farmhouse'. The proposed extension is minor in its scale and infills an L shape built form, resulting in no more built form closer to or more prominent within the context of the wider setting of two heritage assets. Further there is good separation distance. The proposal is not considered to have any material impact on the wider setting of the Ancient Monument or the Grade II* Listed Building.

TDC Biodiversity Officer

- 5.7. The Appropriate Assessment has been completed and finds that there would be no adverse effect on the integrity of the South Hams SAC (subject to conditions). There are no other biodiversity issues. The de minimus BNG exemption applies as the site was bare ground used for storage. Conditions recommended.

Natural England

- 5.8. No objection. Concurs with the findings of the Appropriate Assessment, subject to appropriate mitigation being secured.

TDC Drainage

- 5.9 No objection. The submitted block plan reference JRPA-33/1002 – REV B proposes the roof water to drain to a tank with a controlled outfall to the existing soakaway.

Given the area was previously hard surfacing, the provision of the above ground tank discharging at a controlled rate to the existing soakaway is acceptable and I have no objection, the proposed tank will be designed to also be used as water reuse as previously discussed used for washing down purposes which is a sensible proposal.

6. REPRESENTATIONS

- 6.1. Publicity undertaken by way of:
- Site notice displayed 06.02.2025 and 10.04.2025

2 representations of support have been received, summarised as follows (response can be read in full on the file):

- The plans will enable Glenspray to complete brake testing onsite, reducing daily traffic to fulfil this offsite which would be more sustainable.
- Having less movement of large vehicles on Rock Road will be a good thing as it will be safer for walkers and less exhaust fumes in the area.
- Supports a local family business which is positive for the Chudleigh community.

7. TOWN / PARISH COUNCIL'S COMMENTS

- 7.1. Chudleigh Town Council: No objection

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

10. BIODIVERSITY NET GAIN (BNG)

Biodiversity net gain is a legal requirement for planning permissions. Planning applications are required to either provide detailed information proving there will be a biodiversity increase of 10% or explain why they are exempt from doing so. Unless exempt, planning permission is subject to the general Biodiversity Gain

Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)).

- This development is exempt from the general Biodiversity Gain Condition. The deminimus exemption applies, as the application site is bare ground previously utilised for storage and work has already commenced.

11. CARBON / CLIMATE IMPACT

No carbon reduction measures are identified within the application submission. However, the proposed development may assist in reducing traffic movements to and from the site by facilitating a use which is currently undertaken off-site.

12. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

Ian Perry

Head of Development Management